

To: Flournoy, Karen[Flournoy.Karen@epa.gov]
From: Flournoy, Karen
Sent: Fri 8/25/2017 7:18:56 PM
Subject: FW: BREAKING NEWS: MCE Files Lawsuit Against EPA Regarding Water Quality Standards on Missouri Lakes

Karen A. Flournoy

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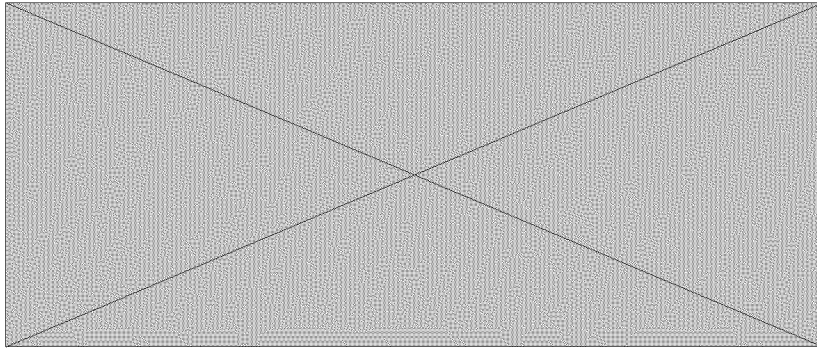
flournoy.karen@epa.gov

From: Alicia Claire Lloyd - MCE [mailto:moenviron@moenviron.org]
Sent: Tuesday, March 01, 2016 10:35 AM
To: Flournoy, Karen <Flournoy.Karen@epa.gov>
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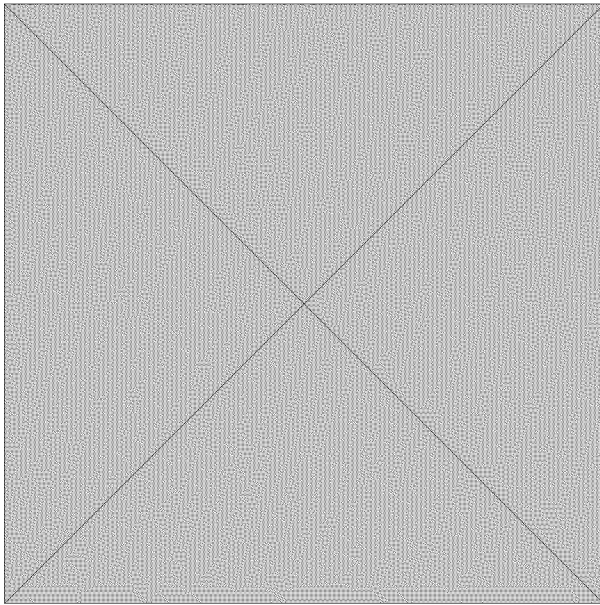


MCE demands EPA enforce the Clean Water Act

Issue Brief

Following years of inaction at the federal and state levels, MCE has filed suit against the U.S. Environmental Protection Agency for failure to develop water quality standards to address nutrient pollution in Missouri's lakes as required by the Clean Water Act.

Read the details of the violations we allege in our Press Release below.



Example St. Louis County lake without numeric nutrient criteria

Photo used with permission from an MCE member

PRESS RELEASE: MCE Sues EPA for Failure to Protect Missouri Lakes Under the Clean Water Act

Date: February 25, 2016

Contacts:

- Alicia Lloyd, Clean Water Policy Coordinator, Missouri Coalition for the Environment, alloyd [at] moenviron [dot] org, (314) 727-0600 x12
- Elizabeth Hubertz, Attorney, Washington University Interdisciplinary Environmental Clinic, (314) 935-8760

St. Louis, MO: The Missouri Coalition for the Environment (MCE) filed a lawsuit alleging the Environmental Protection Agency (EPA) violated its mandatory duty to issue effective nutrient standards under the Clean Water Act for lakes in Missouri.

Nutrients, primarily nitrogen and phosphorus, are among the biggest polluters of the nation's waters, contributing to fish kills, algal blooms, and ultimately, the Dead Zone in the Gulf of Mexico. An algal bloom shut down the drinking water supply for the city of Toledo, Ohio in 2014. In Iowa, the Des Moines Water Works is suing polluters to prevent nutrients from entering the drinking water supply because of the expense to remove them.

"This is a straightforward case. Neither the state nor the federal government has developed acceptable water quality standards for nutrients in Missouri for lakes as required by the federal Clean Water Act," said MCE Water Policy Coordinator, Alicia Lloyd. "This lawsuit is necessary to protect and improve Missouri's valuable water resources," Lloyd added.

MCE filed the lawsuit in the United States District Court for the Western District of Missouri against the EPA alleging it violated its mandatory duty to issue effective nitrogen and phosphorus standards for lakes in Missouri.

In 2009, as a first step toward setting standards on all waters, the Missouri Department of Natural Resources adopted nutrient standards for lakes. Two years later, U.S. EPA disapproved the standards because the state did not demonstrate that the standards were based on sound scientific rationale and that they would protect aquatic life and recreational uses.

Once the state's nutrient standards were disapproved by EPA, Missouri had 90 days to propose revised standards. Since Missouri did not propose new standards within that period, which ended in late 2011, EPA is required by law to issue appropriate standards. To this day, neither Missouri nor U.S. EPA has adopted new nutrient standards for lakes and, therefore, all but a handful of the state's lakes remain unprotected against nutrient pollution.

On November 6th 2015, the Missouri Coalition for the Environment sent a Notice of Intent to File Suit (NOI) to the U.S. EPA as required by the Clean Water Act. The NOI gave EPA 60 days to fix the problem before any legal action would be filed. Since EPA did not take action to protect Missouri's water resources and public health, MCE has filed this lawsuit. MCE is also a plaintiff in another suit filed against EPA in 2012 by the Mississippi River Collaborative (MRC), a group of environmental organizations working on pollution solutions

for the Mississippi River, of which MCE is a member. That suit was filed in response to EPA's refusal to set numeric nutrient criteria in the Mississippi River basin after MRC petitioned it to do so in 2008.

MCE is a non-profit environmental advocacy organization based in St. Louis, Missouri.

MCE is represented by the Washington University Interdisciplinary Environmental Clinic. Visit www.moenvironment.org for more information.

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MCE in the News

- St. Louis Public Radio -

Missouri environmental advocates sue EPA over clean water rules

- The Missourian - Missouri group sues EPA over nutrient levels in lakes

Quick Links

Follow MCE Water Program's new Twitter handle [@MCEWater!!](https://twitter.com/MCEWater!!)

MCE's Clean Water Program

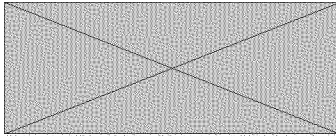
Water Quality Standards in Missouri

Nutrient Pollution

MCE's Suit Filed against EPA - Feb. 24, 2016

In other Nutrients News

- The Supreme Court has let stand a critical plan to address nutrients in the Chesapeake Bay Watershed.
- Environmentalists won a state-level lawsuit Friday, 2/26, in which an Illinois appellate court said that the permits issued to the Metropolitan Water Reclamation District of Greater Chicago for its sewage treatment plants do not sufficiently address algae-fueling pollution.
- As a member of the the Mississippi River Collaborative, MCE and others filed suit in 2012 to attain numeric standards for nitrogen and phosphorus throughout the Mississippi River basin. The case is still pending.
- Des Moines Water Works is currently suing drainage



districts in three Iowa counties. Agricultural runoff is a huge source of nitrate pollution while drinking water providers and the public bear the costs.

MCE ANNUAL MEETING - What's on tap?

Lawsuits, Landfills, and Legislation!

Join us for MCE's Annual Meeting on **Sunday, March 13th** at **Schlafly Taproom** from **3pm-5pm**. Get the scoop on what's brewing in 2016 Missouri environmental issues and what MCE is doing about them. Always a good time, this year's annual meeting will be no exception - check out our new, interactive watershed tabletop model and play Jeopardy style trivia game with your fellow MCE members to "Know MO About Your Environment."

The event is free for members, but please RSVP at the link below. Snacks provided and cash bar available.

When: Sunday, March 13, 2016 from 3:00PM to 5:00PM

Where: The Schlafly Tap Room, 210 Locust Street, St. Louis, MO 63103

[RSVP HERE](#) - for members

[DONATE HERE](#) to become a member or renew your membership if you would like to attend

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